



City of Seattle

---

Gregory J. Nickels, Mayor  
**Department of Design, Construction and Land Use**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2304430  
**Applicant Name:** Julie Ledoux  
**Address of Proposal:** 2309 NW 65<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one (1) parcel into two (2) lots (unit lot subdivision). Proposed lot sizes are: A) 2,065.1 square feet and B) 2,052.8 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Related projects: establish use as and construct one (1) two (2) unit townhouse structure and occupy per plan all under MUP No. 2303027.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into four lots as a unit subdivision.  
(Chapter 23.24, Seattle Municipal Code).

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

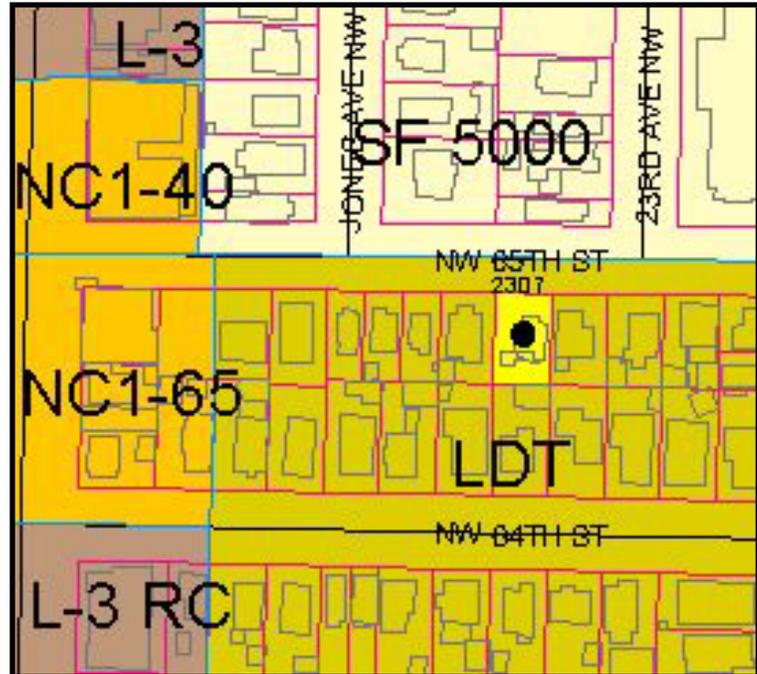
## **BACKGROUND DATA**

### Site Description

The approximately 4,125 square foot property is located between NW 65<sup>th</sup> St. and NW 64<sup>th</sup> St. in the Crown Hill/Ballard area of Seattle. Pedestrian and vehicle access to the site is via NW 65<sup>th</sup> St., which is paved and improved with concrete curbs, gutters, and sidewalks on both sides of the street. The construction of the townhouse structures is currently being reviewed under MUP No. 2303027.

The subject lot is zoned multi-family Lowrise Duplex/Triplex (LDT). In the immediate vicinity to the north, surrounding lots are zoned single family (SF-5000). To the west of the site, lots are zoned Lowrise Three Residential Commercial (L-3 RC), Neighborhood Commercial 1 (NC-1) and Lowrise Three (L-3) moving from south to north respectively (see vicinity map above). Development in the immediate vicinity consists of one and two-story small scale multi-family structures and single-family dwelling units to the north and east. Development to the west is made up of commercial structures, larger multi-family structures, and mixed use structures all consistent with the zoning.

Vicinity map



### Proposal

The proposal is to subdivide one (1) parcel into two (2) unit subdivision lots with vehicle access provided via a ten (10') foot curbcut accessed off of NW 65<sup>th</sup> St. The new two-unit townhouse structure is currently being reviewed for applicable code compliance under MUP No. 2303027. The two new townhouse units will have parking within the structure. Proposed lot sizes are as indicated in the summary above. Lots A and B have direct pedestrian access to NW 65<sup>th</sup> Street.

### Public Comments

The comment period for this proposal was scheduled to end on September 17<sup>th</sup> 2003. A request to extend the comment period was received; as a result the comment period was extended to October 1<sup>st</sup> 2003. During the public comment period, DCLU received eight (8) comment letters related to the project. The comments related to preserving the character of the neighborhood, vehicular access, dual ownership conflicts, health and safety of children in the neighborhood related to possible contaminants on site and height & bulk of the proposed structures. Further

comments questioned the intent and policy of the Lowrise Duplex/Triplex (LDT) zone as not being accomplished by the project and the maintenance of a rockery in close proximity to a neighboring lot line.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing tree;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Structural Reviewer the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned for multi-family Lowrise Duplex/Triplex (LDT) use. The allowable density of the subject property is one (1) unit per two (2,000) thousand square feet of lot area. Given a lot area of approximately 4,125 square feet, two (2) units are allowed and two (2) are proposed. Maximum lot coverage is forty-five (45%) percent, in this case twenty-eight (28%) percent is proposed. Front setbacks are an average of the setbacks of the first principal structures on either side, the maximum required setback is twenty (20') feet and the minimum is five (5') feet. The minimum side setback is five (5') feet; the actual required setback is based on the height of the facade adjacent to the side property line and the structure depth. Rear setback is twenty (20') feet or twenty (20) percent of the lot depth, in no case less than fifteen (15') feet, in this case it is proposed at thirty-three (33') feet. The proposed parcels provide adequate buildable area

to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement (#250311-1-019) to provide for electrical facilities and service to the proposed lots in addition to the utility easement identified on the proposed short plat, which must be included on the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.
3. This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on August 29<sup>th</sup>, 2003 (WAC ID No 2003-0954). There is a twenty (20") inch CIP CLA LID inch standard water main located in NW 65<sup>th</sup> St which serves the site. There is a sixteen (16") inch public combined sewer (PS) located in NW 65<sup>th</sup> St. Stormwater detention with controlled release to the (PS) in NW 65<sup>th</sup> St is likely to be required for construction in excess of 2000sf developmental coverage. Plan review requirements were made at the time of building permit application in accordance with any applicable stormwater ordinances in effect at that time.
4. The proposed short subdivision is consistent with and will meet all minimum Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also meeting the requirements of the land use code. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.
5. This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
6. SMC 23.45.015 (C.1.a&b) requires that all new multifamily dwelling units preserve or plant trees on site. The lot size of the proposal requires that at least eight (8") caliper inches of tree be planted on site. The applicable tree requirements were reviewed under MUP No. 2303027.
7. The construction of the two (2) unit townhouse structure has been approved for permit issuance from all review locations. Pursuant to SMC 23.24.045(A&B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to nonconformities, the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on*

*this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Policies and Code Provisions has been reviewed under MUP No. 2303027. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity of proposed Lots A and B are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas, driveway and pedestrian access if necessary. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for unit lot subdivisions.

### Summary

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements for the Lowrise Duplex/Triplex 1 (LDT) zone, including setbacks, density, and structure width and depth, consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole does meet all standards set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

### **CONDITIONS - SHORT SUBDIVISION**

#### *Conditions of Approval Prior to Recording*

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements; fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures,

principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.

2. Submit the final recording forms for approval and any necessary fees.
3. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (aka Exhibit A) on the final Short Subdivision (#250311-1-019).
4. Insert the following on the face of the plat: “The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements.

Signature: (signature on file) Date: October 16, 2003

Lucas DeHerrera, Land Use Planner  
Department of Design, Construction and Land Use  
Land Use Services

LD:bg

H:\doc\LucasWrittenDecisions\unit.lot.subdivisions\WrittenDec.2304430.doc